

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

To:			
<b>GLAXOSMITHKLINE</b> Corporate Intellectual Property Attn. Knight, Lucie Viktoria CN925.1 980 Great West Road Brentford, Middlesex TW8 9GS UNITED KINGDOM			
<b>GlaxoSmithKline</b> <b>Corporate IP</b> <b>Received BRENTFORD</b>			
<b>13 JUN 2005</b>			

Applicant's or agent's file reference		ATTY: JEG /SA ADMIN: mto	
JEG - PB60434		IPM: N/A	ON UPDATED ON 10/06/05
International application No.		ATTY CHECKED/FILED 10/06/05	
PCT/EP2004/008830			

Applicant

GLAXO GROUP LIMITED

## INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

Date of mailing (day/month/year)	09/06/2005
<b>PAYMENT DUE</b> within ONE MONTH from the above date of mailing	
International filing date (day/month/year)	05/08/2004

1. This International Searching Authority

(i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated 1000 on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated 1000 on the extra sheet:

GlaxoSmithKline Corporate IP
14 JUN 2005
Received NFSP

(ii)  has carried out a partial international search (see Annex)  will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:  
**see annex**

(iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

**EUR 1.550,00** x **1** = **EUR 1.550**  
 Fee per additional invention      number of additional inventions      total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3.  Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer <b>Alex Schmidt</b>
---	---

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-10, part of 16

The problem solved by the first invention is to provide:

- a process for the preparation of radiolabelled H3BCO by contacting H3B in a solvent with a radiolabelled carbon monoxide,
- the product so produced.

---

2. claims: 11-15, part of 16, 17

The problem solved by the second invention is to provide:

- a process for preparing radiolabelled compounds by carbonylation using a radiolabelled H3BCO as a donor of radiolabelled carbon monoxide,
- a radiolabelled compound so produced,
- its use in imagine techniques,
- a composition comprising such a radiolabelled compound.

---

Non-unity a posteriori

Motivation of the non-unity (Rule 13 PCT) :

The common concept between the claims 1 and 11 is H3BCO which is radiolabelled.

Such a compound is known from D2.

The common concept referred to above is therefore known from D2. Hence, the two inventions are not anymore linked by a common concept.

The present application does therefore not satisfy the requirements of Rule 13 PCT and corresponds to a non-unity a posteriori.

Annex to Form PCT/ISA/206  
COMMUNICATION RELATING TO THE RESULTS  
OF THE PARTIAL INTERNATIONAL SEARCH

International Application No  
PCT/EP2004/008830

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
 

see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	<p>JONES L H ET AL: "Potential constants of borane carbonyl" JOURNAL OF CHEMICAL PHYSICS USA, vol. 70, no. 2, 1979, pages 749-757, XP008041698 ISSN: 0021-9606 page 749, right-hand column - page 750, left-hand column</p> <p>-----</p> <p>ALBERTO R ET AL: "SYNTHESIS AND PROPERTIES OF BORANOCARBONATE: A CONVENIENT IN SITU CO SOURCE FOR THE AQUEOUS PREPARATION OF Ä99MTC(OH2)3(CO)3Ü+" JOURNAL OF THE AMERICAN CHEMICAL SOCIETY, AMERICAN CHEMICAL SOCIETY, WASHINGTON, DC, US, vol. 123, 13 March 2001 (2001-03-13), pages 3135-3136, XP001120003 ISSN: 0002-7863 cited in the application page 3135, right-hand column</p> <p>-----</p>	1-10, 16
Y	<p>VENKATACHAR, A. C. ET AL: "Microwave spectrum, structure, quadrupole coupling constants and dipole moment of carbon monoxide- borane" JOURNAL OF MOLECULAR STRUCTURE, vol. 38, 1977, pages 17-23, XP002314162 page 18; table 1</p> <p>-----</p>	1-10, 16
A		1



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&\* document member of the same patent family